



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Leslie P. Foldesi
Director, Division of Radiological Health
Virginia Department of Health
109 Governor Street, Room 730
Richmond, Virginia 23219

Proposed Amendments to the Radiation Protection Regulations: Increased Control and Fingerprinting

Dear Mr. Foldesi:

I have reviewed the proposed amendments to the *Virginia Radiation Protection Regulations*, 12 VAC 5-481-10 *et seq.* They implement an order issued by the U.S. Nuclear Regulatory Commission requiring licensees to tighten security controls and add fingerprinting requirements for individuals who are allowed unrestricted access to certain quantities of radioactive materials of concern.

It is my view that the Board of Health, contingent on approval by the Governor, has legal authority to promulgate the proposed amendments to the *Virginia Radiation Protection Regulations* pursuant to *Code of Virginia* § 32.1-229.

The purpose of this communication is to provide legal advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency or board and this communication should not be construed as a comment for or against the merits of such action.

Sincerely,

D. Nelson Daniel
Assistant Attorney General

cc: Karen Remley, M.D., M.B.A., State Health Commissioner
Carl Armstrong, M.D., Director, Office of Epidemiology